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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,361	10/24/2006	Rejane Pratelli	3338.100US01	4338
24113 7590 09/16/2008 PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100				
EXAMINER				
KUMAR, VINOD				
ART UNIT		PAPER NUMBER		
1638				
MAIL DATE		DELIVERY MODE		
09/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10588361	10/24/2006	PRATELLI ET AL.	3338.100US01

## EXAMINER

VINOD KUMAR

## ART UNIT

## PAPER

1638

20080910

DATE MAILED:

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## Commissioner for Patents

Applicant's response of July 6, 2008 is acknowledged. However, it is noted that the specification at page 17 and paragraph bridging pages 18 and 19 states that cDNA (2.5 kbp) encodes 796 amino acid long VvSOR (Vitis vinifera Shaker-like Outward Rectifier). The specification also states that said cDNA sequence is SEQ ID NO: 1. However, it is noted that SEQ ID NO: 1 exhibits 97.2% homology to SEQ ID NO: 1 of PCT/FR05/50060 (WO 2005/078101 A2). Since the instant application is a 371 of PCT/FR05/50060, and thus instant SEQ ID NO: 1 and SEQ ID NO: 1 of PCT/FR05/50060 should be 100% identical. That is not the case. Further, SEQ ID NO: 1 shows 97.2% homology to the nucleotide sequence encoding "inward rectifying shaker-like K<sup>+</sup> channel from Vitis vinifera of GenBank Sequence Accession No: AF359521. Further, instant SEQ ID NO: 1 does not encode a polypeptide of 796 amino acid long. Instant SEQ ID NO: 1 has no open reading frame. Instant SEQ ID NO: 1 is 2,370 kb long. Applicant is requested to address these issues so that the elected invention can be examined on merits. Since the above-mentioned reply appears to be bona fide, Applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this or earlier communications from the Examiner should be directed to Vinod Kumar, whose telephone number is 571-272-4445. The Examiner can normally be reached from 8:00 A.M to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anne Marie Grunberg, can be reached at 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Vinod Kumar/  
Examiner, Art Unit 1638